

1 I have a few questions about your  
2 affidavit. Have you ever testified before, Mr.  
3 March?

4 A. Yes.

5 Q. How many times, approximately?

6 A. In my life?

7 Q. Yes. Give me your best recollection.

8 A. Ten.

9 Q. Have you ever been deposed before?

10 A. Yes.

11 Q. About how many times?

12 A. Ten.

13 Q. Now, you're the general manager of the  
14 Quality Inn Hotel?

15 A. That's correct.

16 A. Yes.

17 Q. How long have you served in that  
18 capacity?

19 A. Since June 3rd, 1985.

20 Q. It's in your declaration. I didn't  
21 mean to ask you that same question.

22 Do you have any other job or position  
23 that takes any of your time other than general  
24 manager of the Quality Inn.

25 A. No.

1 Q. Tell me briefly your educational  
2 background.

3 A. I have a four-year degree in  
4 psychology, and I have twenty-eight years  
5 experience in the industry, approximately  
6 twenty-eight.

7 Q. Thank you. Are you an officer of  
8 Greater Lebanon Hotel Enterprises, Inc.?

9 A. I am the general manager of the hotel  
10 and, in addition to that, I serve on the board of  
11 directors. I am not, quote/unquote, an officer. *af*

12 Q. How many members are there to the board  
13 of directors?

14 A. Fifteen.

15 Q. And you're one of fifteen; is that  
16 correct?

17 A. Yes.

18 Q. Do those directors, to your knowledge,  
19 reside in or around the Lebanon/Lancaster area?

20 A. Yes.

21 Q. Are you a stockholder in Greater  
22 Lebanon Hotel Enterprises, Inc.?

23 A. Yes.

24 Q. First, how many officers are there in  
25 Greater Lebanon Hotel Enterprises?

1           A.       Basically, we combine secretary and  
2 treasurer -- We have basically two. The president  
3 and secretary-treasurer are combined now, so,  
4 basically, two.

5           Q.       Is there a vice-president?

6           A.       Excuse me, and vice-president, yes, so  
7 there would be three.

8           Q.       There are three officers?

9           A.       Basically, three, yes.

10          Q.       Do those persons reside in the  
11 Lebanon/Lancaster area?

12          A.       Yes.

13          Q.       And you are a stockholder, also, you  
14 said, of Greater Lebanon Hotel Enterprises, Inc.?

15          A.       I did say, yes.

16          Q.       And how many stockholders are there?

17          A.       Approximately twelve hundred.

18          Q.       Twelve hundred. I want to ask you  
19 about paragraph two, if I could, of your affidavit,  
20 Mr. March.

21                    You see at the beginning of paragraph  
22 two, it says the very first words: To the best of  
23 my recollection. Do you see that?

24          A.       Yes, I do.

25          Q.       Can you tell me: Why were those words

1 placed in there? Can you tell me: The words, to  
2 the best of my recollection?

3 A. Because if you read the next sentence,  
4 I was contacted either by telephone or in person,  
5 so I'm taking to my best -- I know I was contacted  
6 for certainty, but to the best of my recollection,  
7 I don't know for sure if it was someone by  
8 telephone or somebody in person. It was three and  
9 a half years ago.

10 Q. Did you keep notes of that  
11 conversation?

12 A. No, I did not, to my knowledge.

13 Q. Now, when you say to your knowledge,  
14 what do you mean, to your knowledge?

15 A. I cannot find any physical material in  
16 my office relating to this visit or telephone call.

17 Q. Do you have a recollection, sir, of  
18 taking notes of that conversation?

19 A. No.

20 Q. Is it your practice to take notes or  
21 not to take notes when you have a conversation such  
22 as the one that's described in paragraph two?

23 A. Depends on the set of circumstances.

24 Q. And what do you mean by that?

25 A. These particular people, when they made

1 contact, in person or the telephone, I remember  
2 were making an inquiry and left me with the  
3 impression that as soon as they designed this tower  
4 and the implementation of the height, the base,  
5 whatever it is, they would get back to me with the  
6 information for a more concrete, confirmed stand on  
7 my behalf, as the manager of the Lebanon Quality  
8 Inn, to assure them we would house this facility on  
9 the roof of the hotel.

10 Q. Now, is this the kind of a conversation  
11 that you would ordinarily take notes of or not?

12 A. I would not -- Sometimes I would,  
13 sometimes I would not. I stated that earlier.

14 Q. And you can't recall whether or not you  
15 took notes?

16 A. I can't recall, no.

17 Q. Did you discuss or report this  
18 conversation with anybody in the world?

19 A. Yes.

20 Q. To whom?

21 A. My maintenance chief at that time, Don  
22 Yordy.

23 Q. And you have a specific recollection of  
24 talking to Mr. Yordy?

25 A. Yes.

1 Q. What did you tell him?

2 A. I simply told him that these gentlemen  
3 from this company -- I gave him the company name --  
4 will probably, someday in the immediate future --  
5 This was right after the event that I either met or  
6 talked with them -- would probably be making  
7 contact with him to go on top of the roof, and that  
8 he -- You need a key to get through a certain door  
9 to get on top of the roof, so you need to go  
10 through someone who will have access to that key.

11 I appointed Don Yordy, the maintenance  
12 chief, as the person to be contacted when their  
13 engineers would have an opportunity to canvass our  
14 facilities.

15 Q. Now, I want to ask you about paragraph  
16 four of your affidavit.

17 You stated there that you believe that  
18 shortly after our conversation either the caller or  
19 someone else on his behalf visited the hotel to  
20 examine the roof.

21 What's the basis for your belief  
22 expressed in paragraph four? Or what was the basis  
23 for your belief?

24 A. Just my memory, my recall that somebody  
25 did come.

1 Q. You saw someone come?

2 A. I, personally, don't remember someone  
3 coming, but I remember Mr. Yordy sharing  
4 information with me that people were on the  
5 premises and did, in fact, go up to the roof to  
6 explore the possibility of, you know, fulfilling  
7 their requirements.

8 Q. What's the basis for the statement that  
9 either the caller or someone on his behalf visited  
.10 the hotel?

11 A. What number are you looking at, sir?

12 Q. Paragraph four, I'm sorry.

13 A. It would -- What I am saying is the  
14 person I made contact with said that they would  
15 have their engineer come in and check the  
16 facilities. That's why I made that statement.

17 Q. What's the basis of your statements  
18 that either the caller or someone on his behalf  
19 visited the hotel?

20 A. You mean to check the roof?

21 Q. Yes. What's the basis of that? What  
22 was the basis of that statement? How did you know  
23 that, when you stated that in paragraph four?

24 A. The question is not clear.

25 Q. What was your basis for stating what

1       you stated in paragraph four?

2               A.       To clarify that after my initial  
3       contact with the person making the initial inquiry,  
4       to the best of my recollection there was a  
5       follow-up visit, and during my initial contact they  
6       said that they would probably have their engineer  
7       come out and check the facilities.

8               Whether that person came with the  
9       engineer, I don't know.

10              If it was one person or ten people, I  
11       don't know.

12              Q.       You don't know anything about that,  
13       personally, correct?

14              A.       No, that's right.

15              Q.       Because you weren't there?

16              A.       That's correct.

17              Q.       So you were relying on what someone  
18       told you?

19              A.       My maintenance chief.

20              Q.       That's that gentleman's name you have  
21       already put in the record?

22              A.       Don Yordy.

23              Q.       So he told you that?

24              A.       Yes.

25              Q.       And that's the basis for the

1 information provided in paragraph four?

2 A. Yes.

3 Q. And what's the basis for the word, you  
4 used the word: Shortly?

5 Strike that. First of all, what did  
6 you mean by shortly when you used it in paragraph  
7 four?

8 A. Shortly meaning a time period, a span  
9 of time.

10 Q. What does shortly mean.

11 A. It did not go into four years.

12 Q. Four months?

13 A. I would say within six months, it is my  
14 recollection.

15 Q. Now, when you say -- So shortly means  
16 about six months?

17 A. I would guess. Looking back, '89, '90,  
18 '91, '92 - Looking back four and a half years -- I  
19 believe it's four and a half years -- shortly in  
20 the span of time could have been, at this point, a  
21 year later in proximity, to my knowledge.

22 If you were asking me, now, six months  
23 later, I could put it in better terms for you?

24 Again, my interest in this is very  
25 minimal. The importance in this is extremely

1       minimal, so during the course of meeting with these  
2       people, during the course of the visitation for the  
3       roof, it was all very insignificant. It was up to  
4       them to decide if they wanted to select our site.

5               Q.       I understand that.

6               A.       I did not sign a contract. I did not  
7       engage in any confirmed agreement, and they were  
8       very vague on their requirements at the time.

9                       The reason of the visit was to see if  
10       things would materialize for them. I remember that  
11       vividly: Would we be a potential site in this  
12       Valley of Lebanon. Period.

13              Q.       I understand.

14              A.       And that's why I did not make discrete  
15       notes and have documentation. It was so vague that  
16       they were going to get back to me with the facts,  
17       with the drawings and everything, which they never  
18       did.

19              Q.       I understand that, and I appreciate  
20       what you are telling me. I just want to ask you  
21       another question, the word, shortly; is that Mr.  
22       Holt's word or your word?

23              A.       That's my word.

24              Q.       So you told him that shortly after the  
25       conversation, and that's why you used the word,

1       shortly, to Mr. Holt, and that's why he put it in  
2       paragraph four?

3             A.       That's correct.

4             Q.       And so you said to Mr. Holt:  Shortly  
5       after the conversation, the caller, or someone on  
6       his behalf, visited the hotel?

7             A.       Yes, I did.

8             Q.       And when you told Mr. Holt the word  
9       shortly, I want to make clear, I don't quite  
10      understand.  What did you mean by shortly?

11            A.       Meaning that it did not go into four  
12      years.

13            Q.       I understand.  Now, I want to turn to  
14      paragraph five, and Mr. March, I want you to know I  
15      appreciate your patience, and I am trying to get  
16      you out of here as fast as I can.

17                    You state there:  I recently have been  
18      shown the engineering sketch.  Did you see that?

19            A.       Uh-huh.

20            Q.       When were you shown the engineering  
21      sketch?

22            A.       It was mailed to me by Mr. Holt.

23            Q.       I say when.

24            A.       Oh, when?

25            Q.       Yes.  You signed this declaration on

1 the 7th of May, 1993.

2 A. It would have been prior to this May  
3 7th, 1993.

4 Q. Do you remember when?

5 A. I would say probably several weeks  
6 before. Guesstimate.

7 Q. Would looking at a calendar help your  
8 recollection?

9 A. No.

10 Q. Could it have been three or four months  
11 before?

12 A. No.

13 Q. Two months?

14 A. Possibly, but doubtful. It all came  
15 about in a very compacted, short time period.

16 Q. You say: I have been shown the sketch.  
17 How were you shown it?

18 A. It was sent to me in the mail by Mr.  
19 Holt.

20 Q. And that's the sketch that's set forth  
21 in exhibit B. I want you to look at exhibit B to  
22 make sure that that's the same sketch, if you can  
23 recall.

24 A. To the best of my knowledge, that's the  
25 same sketch, yes.

1 Q. Now, you state: I understand that  
2 Raystay submitted this sketch to the FCC.

3 Do you see that in the next sentence,  
4 paragraph five? I'm sorry if I am confusing you.

5 A. No, that's fine.

6 Q. The second sentence: I understand that  
7 Raystay submitted --

8 A. Yes, I see that.

9 Q. What was the basis of your  
10 understanding on that point, or how did you arrive  
11 at that understanding?

12 A. Through my conversation with Mr. Holt.

13 Q. Now, I want you to look at paragraph  
14 six of your declaration, your affidavit. Do you  
15 see the words: To the best of my knowledge and  
16 belief, line one, two, three, four, five?

17 A. Uh-huh.

18 Q. Are those words that you ordinarily  
19 use?

20 A. To the best of my knowledge and belief.

21 Q. Yes.

22 A. Yes, sir.

23 Q. Those are words that you use in normal  
24 conversation?

25 A. Any time I'm put against the wall as

1 far as supplying facts, and if I don't know them,  
2 yes, I do use these words.

3 Q. So those were your words, not Mr.  
4 Holt's words?

5 A. That's correct.

6 Q. And when you received the declaration  
7 from Mr. Holt, the words, to the best of my  
8 knowledge and belief, were present?

9 A. That's correct.

10 Q. Did you tell him to put those words in?

11 A. Yes, I did.

12 Q. I see. What did you tell Mr. Holt  
13 about what he should put in the affidavit?

14 A. Basically -- I don't understand the  
15 question.

16 Q. Well, did you tell him: I want you to  
17 put in my affidavit to the best of my knowledge and  
18 belief two assertions made in that statement are  
19 untrue?

20 A. Yes.

21 Q. And since this is your term, to the  
22 best of my knowledge and belief, what do you mean,  
23 to the best of my knowledge and belief to mean?

24 A. Meaning there is reasonable doubt.

25 Q. I want to make sure I understand you.

1           There is reasonable doubt; explain that to me.

2           A.           In what context?   Concerning what

3           topic?

4           Q.           Well, the context of the way you used

5           it in paragraph six.   What's the reasonable doubt?

6           A.           Let me find it.

7           Q.           Want me to help you find it?

8           A.           Let me find appendix C.

9           Q.           Want me to help you find it?   Look at

10          the beginning, sir.

11          A.           No, I'm looking for appendix C.

12          MR. KRAUSE:   No, that's the last part.

13          THE WITNESS:   All right --

14          BY MR. COHEN:

15          Q.           My question is:   When you used the

16          words to the best of my knowledge and belief in

17          paragraph six, what did you mean by to the best of

18          my knowledge and belief?

19          A.           Well, I have to refer that now to what

20          comments I made.

21          Q.           Of course, and I want you to take as

22          much time as you need.

23          A.           And I am applying that to the first

24          comment that I made.

25          Q.           Take as much time as you need.

1           A.       I'm saying the first assertion is that  
2 Raystay is referring to negotiations -- and I'm  
3 reading to myself out loud, with owners of the site  
4 specified in the applications -- So I'm saying  
5 there: To the best of my knowledge and belief I do  
6 not have any documents that I signed that was a  
7 contract or gave them any reasonable belief that  
8 they had a contract, or would have a contract, to  
9 install this antenna.

10               Now, if somebody pulls out a contract  
11 out of their hat in this room, and my signature is  
12 on it, that is where the statement, to the best of  
13 my knowledge and belief --

14               I would not put my life on the line and  
15 say I didn't sign that; that, in fact, is my  
16 signature. That is why I am saying it.

17           Q.       Now, what about oral conversations?  
18 Would you put your life on the line concerning oral  
19 conversations?

20               You said -- Let me ask you another.  
21 That's a poorly-phrased question.

22               Are you certain that there were no  
23 conversations with representatives of the owners of  
24 the antenna site specified in the applications, and  
25 I quoting now from your affidavit, paragraph six --

1 Strike that. That's confusing.

2 Are you certain there were no oral-  
3 type discussions with representatives of the hotel  
4 by representatives of Raystay?

5 A. To my knowledge, I made initial contact  
6 with a person, or a phone call. To my knowledge,  
7 there was a follow-up by the engineer to look at  
8 the roof.

9 To the best of my knowledge, that was  
10 the last conversation I ever had concerning this  
11 topic. I don't know if that answers your question  
12 or not.

13 Q. And tell me again now. I'm not sure.  
14 What did you mean by the words, best of my  
15 knowledge and belief, as you used them in paragraph  
16 six?

17 A. All right. The potential would exist  
18 that I had a short telephone conversation with  
19 somebody after the initial contact, after the  
20 visitation. I don't recall it, but I'm not denying  
21 the possibility doesn't exist.

22 Now, as I stated, I brought these  
23 telephone records because there is a question as to  
24 whether or not I had a conversation in October,  
25 1991.

1 I went through every telephone call.

2 Q. Is there a possibility that someone

3 else at the hotel could have had a conversation?

4 A. Only to take a message. No

5 conversation as far as feedback, any intelligent

6 dialogue concerning this topic.

7 Q. And how are you so sure of that?

8 A. I have been there, in my ninth year. I

9 don't delegate that responsibility to anyone.

10 Q. What management-type people do you

11 have -- did you have employed at the hotel in

12 October of -- in December of 1991, there or abouts?

13 Do you have a management staff?

14 A. Yes.

15 Q. How many people are part of the

16 management staff?

17 A. Roughly, ten.

18 Q. And are those persons called managers?

19 A. Department heads.

20 Q. Department heads. You have ten

21 departments?

22 A. Other than myself, I have roughly ten

23 department heads, yes.

24 Q. I'm not interested in the names of the

25 persons, but can you tell me what the names of the

1 departments were as of December, 1991?

2 A. The same as they are now. The chef. I  
3 have a food and beverage director. I have an  
4 executive housekeeper. I have a personnel  
5 director. I have a controller. I have a beverage  
6 manager. I have a -- I did have; I don't have any  
7 longer, a director of sales.

8 Q. You did have meaning --

9 A. I did away with that position.

10 Q. When?

11 A. About three months ago. First time  
12 since. That's seven. I have my administrative  
13 assistant, who I consider a department head,  
14 speaking on my behalf, take care of my problems.

15 Then we have an assistant chef or sous  
16 chef, which is a department head, and an assistant  
17 housekeeper, which is also a department head.

18 Q. Now, in terms of the titles of people,  
19 you will have to excuse my ignorance of your hotel.  
20 Does anybody have a title of not general manager  
21 but of manager at the hotel?

22 A. I forgot the front desk manager on that  
23 management list.

24 No one wears the title, manager, per  
25 se. No.

1 Q. But a front desk manager, you said a  
2 second ago?

3 A. That's the guest services director. I  
4 went back to the old school. Okay, he's the guest  
5 services director.

6 Q. Is there any --

7 A. My assistant -- Okay, I have an  
8 assistant. The food and beverage director on the  
9 weekends, Saturday and Sunday, acts as the  
10 assistant general manager.

11 During the midweek, he's the director  
12 of food and beverage.

13 If I would be off, he would be on. My  
14 secretary speaks on my behalf and functions on my  
15 behalf, not the food and beverage director.

16 Q. So what you are saying is when you're  
17 not there your secretary functions as your  
18 alter-ego; is that what you are saying?

19 A. That's a fact.

20 Q. Again, excuse my ignorance of the  
21 terminology used in your business. Do people  
22 interchange the titles, manager and department  
23 head?

24 A. The answer is yes. The old school  
25 still applies in many people's minds, the same as a

1 garbage collector twenty years ago today is a  
2 sanitation engineer.

3 Q. That's right. Everybody's an  
4 executive.

5 Now, to bring you back to December of  
6 1991, okay; is it possible that to your  
7 knowledge -- Strike that.

8 Is it possible in December of 1991 that  
9 someone could have talked with any one of the  
10 department heads or managers that you have  
11 described about -- and I am not talking about the  
12 words -- lease negotiations, just talked about  
13 using the hotel roof for a transmitter or an  
14 antenna?

15 A. Certainly, anyone can come into the  
16 hotel and talk to any of these people at any time  
17 they are on the property.

18 Now, the question is: Would these  
19 people feel comfortable talking to somebody about  
20 this topic? Never, no.

21 Q. Well, do you know of your own personal  
22 knowledge that none of these people who were  
23 managers or department heads had any kind of -- I'm  
24 not talking about negotiations -- had any kind of  
25 conversation with anybody in December of 1991

1 concerning using the roof for a transmitter?

2 A. Well, you take an average forty-hour  
3 workweek, multiply that by these eleven people,  
4 that equates to a certain amount of hours in a  
5 week.

6 I cannot be held accountable for every  
7 second for everybody.

8 Q. I understand that. Have you asked, and  
9 it would astonish me if you did -- You haven't  
10 asked each and every one of these persons whether  
11 they had any conversation in this matter?

12 A. No. The normal pattern of the hotel if  
13 a scenario like this materialized, they would leave  
14 a note for me, personally contact me.

15 They would never -- I shouldn't say  
16 never, but then they have absolutely no authority  
17 whatsoever to get involved in this area.

18 Q. Now, when you say authority, what I  
19 understand, no authority to bind the hotel; that's  
20 what you mean by authority?

21 A. Verbally or written.

22 Q. To commit?

23 A. That's correct.

24 Q. But that's not the same as talking  
25 about something, is it?

1           A.       No, it's not.

2           Q.       What you are saying is nobody had the  
3 authority to commit the company but you? That's  
4 what you are saying?

5           A.       But me. And in some cases even I don't  
6 have that authority.

7           Q.       But to be fair, you don't know, or you  
8 haven't checked, as to whether any of these  
9 department heads or managers had a conversation  
10 about this subject, that is the subject of mounting  
11 a transmitter on the hotel's roof on or about  
12 December of 1991?

13          A.       The only person I asked is the existing  
14 maintenance chief, who at that point in time,  
15 before this conversation was initiated, was a  
16 maintenance worker.

17          Q.       Sure.

18          A.       That employee today is the maintenance  
19 chief. Don Yordy went on to bigger and better  
20 things.

21                   And I did sit down and talk to him at  
22 length about this to see if he has any recall at  
23 all about anybody ever coming in.

24          Q.       Did you ask him about any telephone  
25 calls?

1           A.       I'm sorry?

2           Q.       Did you ask him about any telephone  
3 calls?

4           A.       Well, no, I didn't ask him about any  
5 telephone calls. But he said to me with certainty:  
6 He absolutely has no knowledge about this topic  
7 whatsoever as far as ever seeing anybody, showing  
8 anybody, discussing anything with anybody.

9                   I didn't specifically say phone calls,  
10 but he doesn't have any knowledge of anybody being  
11 on site or any knowledge of this topic.

12          Q.       But you haven't queried your managers  
13 or department heads about telephone conversations?

14          A.       At large, no.

15          Q.       Unintentionally, I may have -- I gave  
16 you some inaccurate information, and I want to make  
17 you aware of it.

18                 I was talking about December, but the  
19 phone conversation, if it occurred, was in October.

20                 I take it if I put the question or the  
21 question as October and asked you the same  
22 questions, they would be the same?

23          A.       I knew you made a mistake, and I put it  
24 in the proper context.

25          Q.       Thank you. You're a better lawyer than

1 I am. So you knew I was talking about October?

2 A. Yes, sir.

3 Q. Thank you. You will be pleased to know  
4 I just have a very few more questions, Mr. March.  
5 You will be out of here by lunch for sure.

6 Will you turn to page four, please, of  
7 your affidavit?

8 When I say you'll be out of here, as  
9 far as I'm concerned. I can't control these other  
10 guys.

11 Look on page four where it states: I  
12 have principal supervisory responsibility.

13 A. Uh-huh, yes.

14 Q. The word principal, what does that word  
15 mean to you? Strike that.

16 What does the word mean as used in  
17 paragraph six of your affidavit?

18 A. Page four, as I have --

19 Q. You're talking about the sentence: I  
20 have principal supervisory responsibility.

21 A. Yes.

22 Q. What does the word, principal, mean?

23 A. Well, in the context of the ninety  
24 employees that work within the hotel parameters on  
25 the hotel payroll, non-board of director personnel